

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003717



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference VG8-02079PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003717	International filing date (day/month/year) 15 décembre 2003 (15.12.2003)	Priority date (day/month/year) 20 décembre 2002 (20.12.2002)
International Patent Classification (IPC) or national classification and IPC E04C 2/02, 2/26, C10M 1/08, D06M 13/292, 15/53, C04B 16/06		
Applicant SAINT-GOBAIN MATERIAUX DE CONSTRUCTION S.A.S.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 05 avril 2004 (05.04.2004)	Date of completion of this report 19 January 2005 (19.01.2005)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003717

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-14 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-12 _____, filed with the letter of _____ 10 January 2005 (10.01.2005)
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/03717

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: EP-A-1 044 939

2. Claim 1 includes four embodiments relating to the nature of the sizing agent. Since the applicant has not opted to claim said four embodiments in the form of four independent claims of the same category, should only one of these embodiments not be novel or inventive, the subject matter of claim 1 in its entirety would not be considered novel or inventive.

It should be noted that, initially, the last embodiment was not claimed in its entirety. For this reason, a complete search has not been carried out with regard to said embodiment and it cannot be the subject of an examination.

3. The present application does not meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1, which is considered the prior art

closest to the subject matter of claim 1, describes (see the entire document, and, in particular, page 4, lines 4-9; page 6, lines 53-55) a polyolefin fibre comprising a size having the functions mentioned in the preamble of claim 1 and including a fatty acid polyglycol ester-based product of the make Silastol cut 5A, i.e. a product of the same nature of the Stantex S6077 product mentioned in the third embodiment of claim 1. The two above products are mentioned in the description and in the list of the originally filed claim 6 as being similar products; in the letter dated 07.01.2005, the applicant has not shown what advantage the Silastol cut 5A product could have over the Stantex S6077 product and has not provided any evidence of a surprising effect arising from the use of Stantex S6077 instead of Silastol cut 5A.

The other embodiments of claim 1 also appear to relate to products that are generally well known to a person skilled in the art, and the use of which for a polyolefin fibre is well within such a person's competence.

4. The same argument applies mutatis mutandis to the subject matter of independent claims 7, 8 and 12, which relate to the use of the fibre according to claim 1. Therefore, said subject matter is not inventive either.
5. The subject matter of claims 2-6 and 9-10 concern slight alterations to the fibre described in independent claims 1 and 8. Said alterations are known from D1 (see, in particular, page 4, lines 21-27 and 42-46) or suggested by D1 and form part of

the standard practice of a person skilled in the art. The advantages resulting therefrom are readily foreseeable. Consequently, the subject matter of claims 2-6 does not involve an inventive step either.

6. Claim 11 does not appear to be linked to the other claims of the application, since it does not relate to the specific fibres described in claim 1.

Moreover, the claimed method appears to be the standard method for making a fibre-based product with a hydraulic setting mass. Therefore, even if said method was novel, it is certainly not inventive.